TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, [redacted] 1922

No. [redacted]77

DHARANDAS TULSIDAS, NARAINDAS LEKHRAJ, AND ALLUMAL HACKUMAL SUKHRANI, PETITIONERS,

vs.

THE INSULAR COLLECTOR OF CUSTOMS.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

PETITION FOR CERTIORARI FILED MAY 8, 1922.
CERTIORARI AND RETURN FILED JANUARY 14, 1922.

(28,258)

(28,256)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1920.

No. 314

DHARANDAS TULSIDAS, NARAINDAS LEKHRAJ, AND ALUMAL HACKUMAL SUKHRANI, PETITIONERS,

vs.

THE INSULAR COLLECTOR OF CUSTOMS.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

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JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., MAY 9, 1921.

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1 UNITED STATES OF AMERICA,
Philippine Islands:

In the Supreme Court of the Philippine Islands.

G. R. No. 16139.

DHARANDAS TULSIDAS, NARAINDAS LEKHRAJ and ALLUMAL HAKUMAL SULCHRAIN, Petitioners and Appellees,

versus

THE INSULAR COLLECTOR OF CUSTOMS, Respondent and Appellant.

For a Writ of Habeas Corpus.

(Appellate Jurisdiction.)

Be it remembered that, on the dates respectively mentioned, the following proceedings were had in the above-entitled case, to wit:

On October 25, 1919, the petitioners by their attorney filed with the office of the Clerk of the Court of First Instance of Manila, Ninth Judicial District, the following petition:

UNITED STATES OF AMERICA,
Philippine Islands:

In the Court of First Instance for the City of Manila.

2 No. 17628.

DHARANDAS TULSIDAS, NARAINDAS LEKHRAJ, and ALLUMAL SUKHRANI, Petitioners,

versus

INSULAR COLLECTOR OF CUSTOMS, Respondent.

Petition for a Writ of Habeas Corpus.

The petitioners allege:

1. That they are unlawfully detained and deprived of their liberty by the respondent, the Insular Collector of Customs, at the Custom House in the City of Manila.

2. That such detention and deprivation of liberty is not under or by virtue of any warrant of arrest, order of commitment, or other judicial writ or process whatsoever.

3. That the said detention and deprivation of liberty is illegal and the illegality thereof as well as the cause or excuse therefore are as hereinafter stated.

4. That the petitioners arrived at Manila on the S. S. "Tango Maru," on September 26, 1919, and were brought before a Board of Special Inquiry at the Manila Custom House for examination of their right to enter.

5. That the board abused the power and discretion in them vested by holding and declaring that the petitioners being industrial partners in a merchantile concern were not merchants and hence were members of an excluded class, to wit, British Indians.

6. That from this adverse decision an appeal was duly perfected to the Insular Collector who affirmed the decision of the board
3 and is not holding the petitioners for the purpose of deportation.

7. That the proceedings of the Immigration officers at Manila were as set forth in Exhibit "A" hereto attached and made a part of this petition.

Wherefore, the petitioners pray that a writ of Habeas Corpus issue, returnable before this Court at a time to be fixed in said writ; that after due hearing your petitioners be granted their liberty; that they have and recover their costs in this action and that they be granted such other relief as to the Court may seem equitable and just.

Respectfully submitted,

HARTFORD BEAUMONT,
Attorney for Petitioners.

127 Escolta, Manila.

Manila, October 25, 1919.

UNITED STATES OF AMERICA,
Philippine Islands,
City of Manila, ss:

H. Bulchand, being first duly sworn upon oath deposes and says: That he has been informed of the contents of the foregoing petition; that he is familiar with the facts therein referred to, and that the allegations contained in said petition are true to the best of his knowledge and belief.

H. BULCHAND.

Subscribed and sworn to before me this 25th day of October, 1919, affiant exhibiting his cedula No. F-2773, issued at Manila
4 on the 2nd day of January, 1919.

[SEAL.] HARTFORD BEAUMONT,
Notary Public.

My commission expires December 31, 1920.

Reg. 207, Page 57.

Let the writ issue as prayed for returnable before this Court at 11:00 A. M. on the 1st day of November, 1919.

S. DEL ROSARIO,
Judge.

EXHIBIT "A."

(On the margin of each and every sheet of this exhibit is sealed—Philippine Customs Service—Manila.)

Insular Collector of Customs, Manila.

Certificate No. 8139.

In the Matter of NARAINDAS LEKHRAJ, ALLUMAL HAKUMAL Sukhrain, and Dharandas Tulsidas, Alien Immigrants ex the S. S. Tango Maru, September 26, 1919, Port of Manila.

Decision of Appeal.

This case coming on regularly for review upon an appeal filed by Mr. Hartford Beaumont, Attorney-at-Law, on behalf of the above-mentioned immigrants, and after examining the evidence presented before the Board of Special Inquiry, sitting at the port of Manila, and considering all the facts and circumstances of the case, together with the arguments offered by counsel, and being fully advised in the premises, it is adjudged and decided by the undersigned that said appeal be overruled and denied, the decision of the Board of Special Inquiry that these immigrants are not entitled to admission into the Philippine Islands in that they are natives of India and fail to show that they belong to any of the exempt classes under the provisions of section 3 of the Immigration Act of February 5, 1917, appearing reasonable and proper in view of the showing made. The above-mentioned immigrants are, therefore, refused landing, and it is hereby ordered that they be returned to their port of embarkation in accordance with law.

Dated at Manila, P. I., October 20, 1919.

V. ALDANESE,
Insular Collector of Customs.

The Government of the Philippine Islands,

Department of Finance,

Bureau of Customs,

Board of Special Inquiry.

1*st Indorsement.*

Oct. 17, 1919.

I. B. R. No. 755-3.

The within papers, relative to the rejection of Dharamdas Tulsidas, the detained East Indian immigrant, are respectfully submitted

through the Chief of the Immigration Division, to the Insular Collector of Customs on appeal.

The facts in the case together with reasons for adverse decision, are fully stated in the attached record.

JUAN ALCAZAREN,
Chairman of the Board.

2nd Indorsement.

Oct. 17, 1919.

Respectfully forwarded to the Insular Collector of Customs.
CHIEF IMMIGRATION DIVISION.

6 M-151.

The Government of the Philippine Islands,

Department of Finance,

Bureau of Customs,

Manila.

October 17, 1919.

Board of Special Inquiry No. 755-3.

Whereas, the S. S. "Tango Maru" on the 26th day of September, 1919, brought to this port one alien Dharamdas Tulsidas of whom was duly detained by the examining immigrant inspectors for examination in relation to their right to admission into the Philippine Islands by a board of special inquiry;

Now therefore, by virtue of the authority vested in me by law, I hereby appoint the following Board of Special Inquiry of three members, who have been selected from officials of the Bureau of Customs duly designated as qualified to serve on such boards at the port of Manila, to determine in accordance with law whether said aliens shall be allowed to land or shall be deported, namely:

Detail for the Board:

1. J. Alcazaren, Chairman.
2. S. Constantino, Member.
3. M. P. Salvacion, Member.

INSULAR COLLECTOR OF CUSTOMS.

The Government of the Philippine Islands,

Department of Finance,

Bureau of Customs,

Board of Special Inquiry.

I. B. R. No. 755.

Case No. 3.

PROCEEDINGS OF THE BOARD OF SPECIAL INQUIRY, AT THE PORT OF MANILA, APPOINTED BY THE INSULAR COLLECTOR OF CUSTOMS OCTOBER 1, 1919, TO DETERMINE, IN ACCORDANCE WITH LAW, THE RIGHT OF AN ALIEN EX THE S. S. "TANGO MARU," SEPTEMBER 26, 1919, TO LAND IN THE PHILIPPINE ISLANDS.

Board Session of October 1, 1919.

Examination of Dharamdas Tulsidas, Male, Age 19.

Present: Messrs. Alcazaren, Constantino and Salvacion, Members of the Board; the detained; (no representative).

DHARAMDAS TULSIDAS is called.

Questions by Chairman Alcazaren:

NOTE.—He is duly sworn.

Q. What is your name?
A. Dharamdas Tulsidas.
Q. How old are you?
A. 19.
Q. What is your occupation?
A. Merchant.
Q. What is your nationality?
A. British Indian subject.
Q. Of what race is your father?
A. Indo race.
Q. And your mother?
A. Same.
Q. Where do you come from?
A. Hydarbadsen.
Q. Do you have any business of your own in India?
A. No.
Q. Have you any business of your own in the Philippines?
A. No, not of my own.
Q. Who gave you this passport?
A. The British Government.

Q. What did you tell the British official giving you this passport your occupation to be?

A. Salesman.

Q. Do you find any difference between salesman and merchant?

A. In India there is no difference between them.

Q. Do you mean to say that a salesman in India has a business of his own?

A. Yes, there are plenty of salesmen in India having business of their own.

Q. Do you mean to say that some salesmen do not have business?

A. Yes, they have business of their own.

Q. You said a moment ago that you have no business in the Philippines?

A. Yes, I do.

Q. What are you coming here for?

A. I am coming as a partner of Wasumul and Asumul store.

Q. How much would you get in Wasumul and Asumul?

A. I will get a part of the profit.

Q. What will be the nature of your work in Wasumul and Asumul?

A. Partner and salesman.

Q. Are you going to be a manager?

A. No.

8 Q. As a partner you said you would get a share of the profits?

A. Yes, part of the profits.

Q. As a salesman how much would you get a month?

A. Nothing.

Q. Have you been in the Philippines before?

A. No.

Q. Who paid your fare when you came to the Philippine Islands?

A. The company (Wasumul and Asumul) paid for my transportation.

Q. Who paid your other expenses besides transportation expenses?

A. All paid by the company.

Q. How long have you had connection with the firm of Wasumul and Asumul?

A. I was a partner of this firm already in India.

Q. When?

A. In 1915.

Q. How long have you been connected with the firm of Wasumul and Asumul in Manila?

A. From first of January this year 1919.

Q. But your partnership agreement is dated Sept. 19, 1919?

Q. But the agreement says that it takes effect Jan. 1, 1919. (par. 4 Agreement.)

Q. Do you have anything to show that you are connected with the firm of Wasumul and Asumul?

—. Yes.

NOTE.—He presents a partnership agreement made at Hong Kong. Sept. 19, 1919, duly acknowledged by the American Consul of

Hong Kong Sept. 20, 1919. He also presents passport No. 902 issued by the Commissioner in Siend dated at Karachi, April 12, 1919, showing the occupation of the applicant to be that of a Salesman.

Q. Do you have any more to say about your claims?
A. No more.

Decision.

Dharamdas Tulsidas is an East Indian coming from foreign parts. He seeks admission into the Philippine Islands as merchant. It appears that he has no business in India. It appears further that he has no business of his own in the Philippines. His passport No. 902 issued by the Commissioner in Siend, dated at Karachi, April 12, 1919, shows that he is a salesman. In his declaration duly acknowledged before the American Consul at Madras, India, he states that his employer is Wassiamull Assomull & Co. It is clear that he is not a merchant within the meaning of Immigration Law and therefore, not an exempt to the entitled to landing. He is, therefore, refused landing in the Philippines.

He is informed of this decision and is further informed that he will have two days within which to appeal to the Insular Collector of Customs, should be feel dissatisfied therewith. He is further informed that in case of deportation, he will be returned to the place whence he came from by the steamship company which brought him here, and at no further expense to himself.

JUAN ALCAZAREN,
Chairman of the Board.
S. CONSTANTINO,
Member of the Board.
M. N. SALVACIÓN,
Member and Stenographer.

A true copy.
D. A.

Manila, P. I., October 24, 1919.

I hereby certify that the foregoing document, consisting of 5 pages, is a full, true and correct copy of the original on file in the Manila Customhouse, of which original I am the legal custodian.

V. ALDANESE,
Insular Collector of Customs.

(Canceled 20¢ I. R. Documentary Stamp and Customs Service Documentary Stamps amounting to ₱3.50.)

9 EXHIBIT "A."

Insular Collector of Customs—Manila.

Certificate No. 8141.

In the Matter of NARAINDAS LEKHRAJ, ALLUMAL HAKUMAL SUKHrain, and Dharemdas Tulsidas, Alien Immigrants ex the S. S. Tango Maru September 26, 1919, Port of Manila.

Decision on Appeal.

This case coming on regularly for review upon an appeal filed by Mr. Hartford Beaumont, Attorney-at-Law, on behalf of the above-mentioned immigrants, and after examining the evidence presented before the Board of Special Inquiry, sitting at the port of Manila, and considering all the facts and circumstances of the case, together with the arguments offered by counsel, and being fully advised in the premises, it is adjudged and decided by the undersigned that said appeal be overruled and denied, the decision of the Board of Special Inquiry that these immigrants are not entitled to admission into the Philippine Islands in that they are natives of India and fail to show that they belong to any of the exempt classes under the provisions of section 3 of the Immigration Act of February 5, 1917, appearing reasonable and proper in view of the showing made.

The above-mentioned immigrants are, therefore, refused landing, and it is hereby ordered that they be returned to their port of embarkation in accordance with law.

Dated at Manila, P. I., October 20, 1919.

V. ALDANESE,
Insular Collector of Customs.

10 The Government of the Philippine Islands,

Department of Finance,

Bureau of Customs,

Board of Special Inquiry.

1*st Indorsement.*

Oct. 17, 1919.

I. B. R. No. 755—1 & 2.

The within papers, relative to the rejection of Naraindas Lekhraj and Allumal Hakumal Sukhrain, the detained East Indians immigrants, are respectfully submitted through the Chief of the Immigra- Division, to the Insular Collector of Customs on appeal.

The facts in the case together with reasons for adverse decision, are fully stated in the attached record.

JUAN ALCAZAREN,
Chairman of the Board.

2nd Indorsement.

Immigration Division.

Oct. 17, 1919.

Respectfully forwarded to the Insular Collector of Customs.

CHIEF IMMIGRATION DIVISION.

11 M—151.

The Government of the Philippine Islands,

Department of Finance,

Bureau of Customs.

Manila.

October 17, 1919.

Board of Special Inquiry No. 755—1 & 2.

Whereas, the s/s "Tango Maru" on the 26th day of September 1919, brought to this port two aliens, Naraindas Lekharaj and Allumal Hakumal Sukhrain of whom were duly detained by the examining immigrant inspectors for examination in relation to their right to admission into the Philippine Islands by a board of special inquiry;

Now, therefore, by virtue of the authority vested in me by law, I hereby appoint the following Board of Special Inquiry of three members, who have been selected from officials of the Bureau of Customs duly designated as qualified to serve on such boards at the port of Manila, to determine in accordance with law whether said aliens shall be allowed to land or shall be deported, namely:

Detail for the Board:

Juan Alcazaren, Chairman.

V. Cosico, Member.

M. P. Salvacion, Member.

INSULAR COLLECTOR OF CUSTOMS.

12 The Government of the Philippine Islands.

Department of Finance,

Bureau of Customs.

Board of Special Inquiry.

I. B. R. No. 755.

Case- Nos. 1, 2.

PROCEEDINGS OF THE BOARD OF SPECIAL INQUIRY, AT THE PORT OF MANILA, APPOINTED BY THE INSULAR COLLECTOR OF CUSTOMS SEPTEMBER 30, 1919, TO DETERMINE, IN ACCORDANCE WITH LAW THE RIGHT OF TWO ALIENS EX S. S. "TANGU MARU SEPT. 26, 1919, TO LAND IN THE PHILIPPINE ISLANDS.

Board Session of September 30, 1919.

Examination of Naraindas Lekhraj, male; age 46; *Allumal Hakumal Sukhrain, male; age* 26.

Present: Messrs. Alcazaren, Cosico and Salvacion, Members of the Board; the detained; No Representative; Mr. J. Gangaran, interpreter.

NOTE.—The interpreter is duly sworn.

Naraindas Lekhraj is called.

Questions by Chairman Alcazaren:

NOTE.—He is duly sworn.

Q. What is your name?
—. Naraindas Lekhraj.
Q. How old are you?
A. 45.
Q. What is your occupation?
A. Merchant.
Q. Where were you born?
A. Hydrobal.
Q. Of what nationality is your mother?
A. Indo.
Q. Of what nationality is your father?
A. The same.
Q. Have you been in the Philippines before?
A. About 19 or 20 years ago yes.
Q. How long did you stay here?
A. Nineteen years.
Q. When did you leave the Philippines for the last time?
A. Dec. 1915.

Q. And from December 1915 up to the time that you came you were in India?
A. Yes.
Q. Do you have any business in Manila or not?
A. Yes.
Q. Where is that?
A. Asumul partner.
Q. How much money have you invested in that business?
A. No money.
Q. You said a moment ago that you did not put — money, did you not?
A. Yes, that is correct.
Q. Because you did not put any money in the business of Wasumul and Asumul you do have any interest in that store now?
A. No money.
Q. What is your connection in that store of Wasumul and Asumul?
A. Industrial partner from 1909 to the present.
Q. Do you mean to say that you could continue to be an industrial partner during your absence?
A. Yes.
13 Q. Do you understand what industrial partner is?
A. Yes.
Q. Is not an industrial partner that member of a firm who does not have any capital but simply works for the firm?
A. Yes that is the meaning.
Q. Knowing that to be the meaning, how could you continue to be an industrial partner while absent?
A. I only took a rest.
Q. What are you going to do in Wasumul and Asumul?
A. Manager.
Q. Who is the manager there now?
A. Jacomal Bochan.
Q. How can you be a manager since Jacomal Bochan is the manager?
A. He is going back to India and I will be in his place.
Q. Who is the owner of Wasumul and Asumul?
A. Wasumul and Asumul.
Q. Are they still living?
A. Dead.
Q. Who owns the store now?
A. The heirs.
Q. Name those heirs?
A. Watomal, Topandas Dalandas, Sambas, Gangaram.
Q. Did anyone of them signed this document?
A. Yes, Mr. Topandas.
Q. How many signed the agreement?
A. Only one.
Q. How about the four?
A. He was authorized and has the full power of attorney.
Q. Where is Topandas Wasumul?

A. He is here now.
Q. Where did he sign this document?
A. In Hong Kong.
Q. Where did all these persons sign*ed*?
A. In Hong Kong.
Q. Did they write this or somebody?
A. Themselves.
Q. And so your business interests are in Manila and not in Hederabadsen?
A. Here in Manila only.
Q. When you applied for this passport did the British Government ask you whether you have business in Hederabadsen?
A. No.
Q. Did the British Government ask you whether you have business in Manila?
A. Yes, sir.
Q. Is that sure?
A. Yes, sir.
Q. And are you sure that the British officials did not ask you whether you have business in Hederabadsen or not?
A. Yes, I am quite sure that he did not ask me.

NOTE.—He presents partners' agreement made at Hong Kong 19th day of September 1919, duly acknowledged by the American Consul at Hon- Kong September 20, 1919. He further presents passport No. 1079 issued at Manila by the Acting British Consul General on December 3, 1915.

Q. Have you anything more to say about your case?
A. No more.

ALLUMAL HAKUMAL SULCHRAIN is called.

Questions by Chairman Alcazaren:

NOTE.—He is duly sworn.

Q. What is your name?
A. Allumal Hakumal Sulchrain.
Q. How old are you?
A. 27.
Q. What is your occupation?
A. Silk merchant.
Q. Where are you a silk merchant?
A. Here in the P. I.
Q. Where is your business in the Philippines?
A. Bengal Bazaar, Escolta, Manila.
Q. Do you have a business in India?
A. No.
Q. Have you ever been in the Philippine Islands before?
A. Yes.
Q. When?
A. In 1916.

14 Q. How long did you stay here?
A. About three years.
Q. Do you mean to say that you returned to India only recently?
A. About 16 months ago.
Q. Do you mean to say that you — the Philippines in 1918?
A. Yes.
Q. Do you have that business in calle Rosario?
A. I was a partner of Wasumul and Asumul.
Q. When did you become a partner of Wasumul and Asumul?
A. In 1916.
Q. How much money did you put in that business?
A. No money.
Q. Why are you a partner then?
A. I am an industrial partner.
Q. How much salary do you get in Wasumul and Asumul?
A. We don't get salary.
Q. Who is the owner of this Wasumul and Asumul?
A. Two sons and some cousins.
Q. How many in all?
A. Five.
Q. With whom did you make the agreement?
A. Topandas, Wasumul, Watomul Samdas, Gangarang Tulumal
Q. That includes you?
A. No, sir.
Q. How many persons were in that agreement?
A. Eleven.
Q. Name them?
A. Narandas Lepras, Alumal, Kesontian, Gangarang, Darandash, Dumandas. (These include the first mentioned above.)
Q. What will you do in Wasumul and Asumul?
A. Will sell goods.
Q. What will you do in Wasumul and Asumul store?
A. Salesman.
Q. Not manager?
A. Yes, manager also.
Q. How much salary will you get as a merchant?
A. I do not get salary.
Q. Do you mean to say that you are a salesman?
A. I am selling the goods.
Q. Do you mean to say that you are a salesman?
A. Yes.
Q. Do you mean to say that you are also a manager?
A. Yes.
Q. Who is the manager of Wasumul and Asumul business?
A. Jacumal Bochan.
Q. How can you be a manager if he is here?
A. He is going home. I will become a manager.
Q. Are you manager now?
A. Yes, sir.
Q. But the present manager is still in Manila therefore two managers now?
A. We are three managers.

Q. How many managers now in Manila?
A. Four.
Q. How many more managers more out?
A. We are five here and three outside of the Philippine Islands.
Q. Why did you say a moment — that four managers only here?
A. Five are here and three in Hong Kong.
Q. Do you have anything to prove that you are a partner of Wasumul and Asumul?
A. Yes, sir.

NOTE.—He presents partners' agreement made at Hong Kong 19th day of September 1919, duly acknowledged by the American Consul at Hong Kong September 20, 1919.

Q. Did the British official *you* gave you this passport asked you whether or not you — a business in India?
A. No.
Q. Did that same official asked you whether or not you have business in the Philippines?
A. Yes.
Q. Why not asked you anything about your business connection in India?
A. I do not know.

NOTE.—He presents passport No. 826 issued by the Commissioner in Siend, dated at Karachi, the 20th day of March 1919.

Q. Do you have any more to say about your connection of Wasumul and Asumul?
A. No more.

15 *Decision.*

Naraindas Lekhraj and Allumal Hakumal Sukhrain are East Indians coming from foreign parts. They seek admission into the Philippine Islands as merchants. It appears that they do not have a business of their own. They claim to be partners of Wassiamull Assomull & Co., but in reality they are salesmen in that store. They claim to be industrial partners of Wassiamull Assomull & Co., but industrial partners are not merchants within the meaning of the Immigration Law. They are therefore refused landing in the Philippine Islands.

They are informed of this decision and are further informed that they will have two days within which to appeal to the Insular Collector of Customs, should they feel dissatisfied therewith. They are further informed that in case of deportation, they will be returned to the place whence they came from by the steamship company which brought them here, and at no further expense to themselves.

JUAN ALCAZAREN,
Chairman of the Board.
V. COSICO,
Member of the Board.
M. P. SALVACION,
Member and Stenographer.

D. A/.

Manila, P. I., October 24, 1919.

I hereby certify that the foregoing document consisting of 7 pages, is a full, true and correct copy of the original on file in the Manila Customhouse, of which original I am the legal custodian.

V. ALDANESE,
Insular Collector of Customs.

(Canceled 20¢ I. R. documentary stamp and customs service documentary stamps amounting to ₱4.10.)

16 *Partnership Agreement.*

This agreement made at Hong Kong, this nineteenth day of September, One thousand nine hundred and nineteen by and between Topandas Wassiamall of Hyderabad Sind, Merchant Watoomal Wassiamall, Shamdas Hiranand, Gangaram Tilokchand and Dhaloomal Nonoomal the members of the existing firm of "Wassiamall Assomall & Co." to be known as the capitalist partners, parties of the first part and Wassiamall Assomall, Naraindos Lekhaj, Allumal Hakumal, Kishinchand Dultram, Jhamandas Dewandas and Gagandas Rochiram and Dharmdas Tulsidas now residing at Hong Kong, to be known as industrial partners, parties of the second part,

Witnesseth:

That said parties have agreed, and by these presents do agree, to associate themselves as co-partners for the purpose of carrying on the business of buying and selling goods, wares, merchandise and commodities and such commission business as may appertain to the same, in the Philippine Islands to the faithfull performance of which they mutually bind and engage themselves each to the other, his executors and administrators:

1. That the principal place of business and domicile of this co-partnership shall be Manila; or at such other place as the business now conducted at said location may hereinafter be transferred by mutual consent, and this contract shall relate to this particular store and business only.

2. That the business of this co-partnership shall be conducted under the firm name of "Wassiamall Assomall & Co."

17 3. That the direction, control and management of this partnership is vested solely and exclusively in the parties of the first part, who are hereby granted full power and authority to appoint such manager or managers from the industrial partners as they may deem necessary or proper for the management of the store above mentioned.

4. That the existence of this co-partnership shall relate back to the 1st day of January, 1919, from which date the books thereof have been kept, and shall continue to exist until the 1st day of January, 1921, this partnership however shall be considered as existing for two

additional years from the latter date, if no partner shall serve notice on the other partners of his desire to retire from the copartnership at least sixty days before the or-ginal term of this agreement expires.

5. That the capital of this co-partnership is not less than One hundred thousand pesos, all of which has been contributed exclusively by the parties of the first part; additional capital necessary to conduct the firm's business shall be advanced by said parties of the first part as required; and all of the said capital so contributed or to be contributed by said parties of the first part shall remain the exclusive property of said parties.

6. The capitalist partners shall be entitled to interest at the rate of 6% (six per cent) on capital invested in the business.

7. That the right to use the firm name of this co-partnership shall exclusively vest in the parties of the first part and such managing partners as have been or shall in the future be appointed by said parties of the first part.

18 8. That the respective shares in the profits in the partnership business shall be as follows:

1. Wassiamall Assomall	54%
2. Naraindos Lekhrof	15%
3. Allumal Hokumal	10%
4. Kishinchand Doulatram	6%
5. Jhamandos Dewandas	5%
6. Gogandos Rochiram	5%
7. Dharmdas Tulsidas	5%
	100%

9. That the respective shares in the losses occur-ing to the partnership during its existence whether by fire, winds force majeur, and other accidents, or whether by loss of business of failure of collections shall be borne by all of the partners in proportion to their respective shares in the profits of the business.

10. The profits and losses of the partnership shall be distributed and all accounts settled in the City of Manila, each and every year, within two months from the date of the taking of the inventory, in January when feasable.

11. That at the end of year when the inventory is taken and the balance struck, credit accounts which are not collected within the period, shall not be counted as assets of the firm, but only those accounts which are collectable shall be so counted, according to the value of the goods which such collectable accounts represent, and not according to the price at which such goods were sold.

12. In determining the net profits and losses of the firm, there shall be deducted from the gross income the following:

1. The cost of all the goods which have been purchased for the purpose of sale.

2. Ten per cent (10%) per annum of the value of all the
19 furniture and fixtures to cover depreciation.

3. All ordinary and current expenses, light, heat, taxes, wages, insurance, food, barber, transportation, etc., etc., etc.

13. Each year upon the taking of the inventory a deduction of 5% of the book value i. e. invoiced value, of the goods on hand shall be made, to cover loss by reason of said sale goods becoming shop-worn, unreasonable, old, slow selling, or unsalable.

14. This partnership agreement may be terminated without any notice whatsoever, and a liquidation forthwith had, should either of the industrial partners be convicted of crime, be guilty of theft, embezzlement or abuse of the confidence reposed in them, or should they, or either of them, at any time fail to account at once, and correctly, for the firm funds coming into their hands, or should they develop a vicious and quarrelsome disposition sufficiently grave, in the opinion of the capitalist partners, to prejudice the interests of the co-partnership, or should they neglect to perform their duties as partners, or engage in any competing busines-, directly or indirectly, or communicate trade secrets to third parties.

15. That each of the industrial partners shall be entitled to vacation leave for nine months, but same shall not be taken oftener than once every two years. During such leave the industrial partners enjoying same, shall not be connected with any competitive concern in the Philippine Islands, whether directly or indirectly. Each industrial partner going on leave shall have permission to visit India, and if he return to the Philippine Islands at the expiration of said leave, for the purpose of resuming his place in the business, and
20 shall actually so resume in good faith, he shall have credit in his account for all expenses of his trip to and from India, not to exceed ₱200.00.

16. The industrial partners shall keep full, complete, true and correct books of account, in which shall be duly recorded all the transactions of the store entrusted to their care and management, which said books shall be open to the inspection of the capitalist partners, or any representative thereof, at any hour of the day or night.

17. When this partnership agreement shall expire or be terminated, the goods on hand shall be inventoried, saleble goods shall be accounted for at invoice prices as billed to the store, with deductions as provided in Paragraph 14, and, in the case of actually damaged goods, an additional 5%, or such other deduction from

invoice price as appears right, shall be made. In case of dispute, arbitration shall decide the question as provided in Paragraph 19. After due balance the profits of the industrial partners, earned but not drawn, shall be paid to them, and the business shall thereafter continue as the business of Wassiamal Assomal.

18. No one of the parties to this agreement shall become bail or surety for any other person, or sign any note or other commercial paper as for the accommodation of any third party.

19. That all disputes and differences, if any, which shall arise between the parties to this agreement, shall be referred to and decided by two indifferent, disinterested and competent persons well acquainted with the Oriental trade, one chosen by either party, or by an umpire to be chosen by the referees in the usual course
21 in such or similar cases; and their decision, or his decision, shall in all respects, be final and conclusive on both the said disputing parties, and shall be given in writing within ten days next after such submission, or within such further time nor exceeding ten days, as they or he shall require.

20. That the industrial partners agree that other and further industrial partners may be admitted to the firm and for this purpose and also for *this purpose and also for* the purpose of agreeing to withdrawals of partners on such terms as shall appear to him just, authorise Mr. Hakumal or in his absence any of the capitalist partners then present in Manila, or in the absence of such, any person holding power of attorney as manager for such capitalist partners, as attorney-in-fact for each of them, to sign any revision of these articles of co-partnership made necessary by the admission of such new partners, or withdrawal of actual partners, provided, however, that no revision diminishing the percentage of the present industrial partners in the profits of the above mentioned branches shall be valid without the express approval of the said present industrial partners affected.

21. In case any partner shall die, shall become incapable of continuing by reason of mental or bodily disease or accident, or shall resign within the term by consent of the other partners a general liquidation shall be had and in addition to the terms of settlement provided for in Paragraph 17 hereof there shall be deducted
22 from the value of the goods on hand a speical depreciation of 5% thereof to cover old, unreasonable, shopworn and unsalable or slow selling goods on hand if such special depreciation has not already been charged for that year and the balance found due shall at once be paid over to such withdrawing partner or his legal representative.

Should the resignation or withdrawal take place voluntarily, but without the consent of the other partners or should a partner be dismissed for any of the reasons set forth in Paragraph 14 hereof, during the term, then what ever sum may be found due him after deducting the 5% above provided for, shall be paid over to him less

such profits as may have been earned while such partner has been voluntarily absent in India or elsewhere, but without any part of the profits accumulating subsequent to the date of withdrawal or dismissal. Provided that any partner dismissed for dishonesty, embezzlement or unfaithfulness as provided in Paragraph 11 shall forfeit all right to profits then earned but not paid over.

22. In all cases of death, withdrawal or dismissal during the term of any of the industrial partners, the firm shall continue nevertheless, the share which would have gone to such lost partner being distributed pro rata to the remaining partners or given to a substitute or substitutes admitted to the firm in his place in accordance with Paragraph 20 — the discretion of the capitalist partners.

In witness whereof the parties hereto have set their hands at Hong Kong, the*y* day and year first above written.

(Sgd.) WASSIAMALL, ASSOMALL & CO.,
" TOPANDAS WASSIAMALL,
23 " WATOOMAL WASSIAMALL,
" SHAMDAS HIRANAND,
" GANGARAM TILOKCHAND,
" NARAINDOS LEKHAJ,
" ALLUMAL HAKUMAL,
" KISHINCHAND DULTRAM,
" JHAMANDAS DEWANDAS,
" GAGANDAS ROCHIRAM,
" DHARMDAS TULSIDAS,
By Their Attorney, TOPANDAS WASSIAMALL.

H. GARDINER,,
Solicitor, Hong Kong.

A tru- copy.
D. A.

24 On the same date, October 25, 1919, the Honorable S. del Rosario, Judge of the Court of First Instance of Manila, Ninth Judicial District, issued the following writ of habeas corpus:

(Heading and Title Omitted.)

To the Collector of Customs, Manila:

You are hereby commanded to produce the bodies of Dharandas Tulsidas, Naraindas Lekhraj and Allumal Sukhrani, restrained of their liberty, as it is said, by you, before the Honorable S. del Rosario, Judge of the Court of First Instance of Manila, Branch I, or, in case of their absence or disability, before some other Judge of the same Court at Manila, Philippine Islands, on the 1st day of November, 1919, at 11:00 a. m., forthwith to do and receive what said Judge shall then and there consider concerning them in their behalf; and you are hereby summoned to then and there appear before the said Court and make due return in writing showing the

cause of the taking and detention of said persons above mentioned, in the manner prescribed by law.

Witness the Honorable S. del Rosario, Judge of the Court of First Instance of Manila, Branch I, this 25th day of October, 1919.

BENITO BLANCO,
Deputy Clerk.

On October 27, 1919, the foregoing writ of habeas corpus and petition therefor were duly served and returned by the Sheriff.

On October 31, 1919, the respondent, through his legal
25 representative the Attorney-General, filed his return to the writ of habeas corpus reading as follows:

(Heading and Title Omitted.)

Now comes the Insular Collector of Customs, by his legal representative the Attorney-General, and, in his official capacity, makes return to the writ of habeas corpus issued herein, as follows:

1. That the said Naraindas Lekhraj, Allumal Hakumal Sukhrain, and Dharmdas Tulsidas, the petitioners herein, are held in custody under and by virtue of the decisions rendered by a board of special inquiry and the Insular Collector of Customs, refusing them landing in the Philippine Islands, which decisions were duly made in the performance of their official duties pursuant to the immigration laws in force in this jurisdiction.

2. The respondent denies the allegations of the petition, except as same may be admitted in, or appear to be true from, the proceedings of the immigration officials in this case.

3. That the bodies of the said Naraindas Lekhraj, Allumal Hakumal Sukhrain, and Dharmdas Tulsidas will be produced in court to abide its further order in the premises.

Wherefore, the respondent prays this Honorable Court to dismiss the writ and remand the petitioners to the custody of the immigration authoritties for deportation.

Manila, October 31, 1919.

QUINTIN PAREDES,
Attorney-General, for the Respondent.

26 On January 5, 1919, the Honorable S. del Rosario, Judge of the Court of First Instance of Manila, Ninth Judicial District, entered judgment and decision in the case which reads as follows:

(Heading and Title Omitted.)

Decision.

The question to be decided in the present case is whether the petitioners, Naraindas Lekhraj, Allumal Hakumal Sukhrain and Dharmdas Tulsidas, as industrial partners of the partnership "Wassiamall Assomall & Co.", which is doing business in these Islands, are or are not merchants.

According to the document presented in this case, attached to the record and executed on September 29th last in the City of Hongkong, the genuineness of which is not questioned, the petitioners were admitted as industrial partners of said partnership, the first having a right to fifteen per cent of the profits, the second ten per cent and the third five per cent.

The Board of Special Inquiry, however, maintains, as appears from the record of the Bureau of Customs, that the petitioners are not merchants, being merely industrial partners.

This theory is contrary to law.

Not only the capitalist partners are merchants, but also the industrial partners who, upon being admitted as such for particular business purposes, do not contribute to the common fund any kind of property but only their industry and labor. It is for this
27 reason that they are given a participation in the profits sufficient to compensate them for the exercise of their intelligence and personal experience in the interest of the growth of partnership business in which they take part as industrial partners.

It is true that cases may arise where articles of association are simulated or the fictitious admission of industrial partners effected with the object of facilitating their free entry and residence in this country.

But the court does not find any evidence of simulation in the case at bar.

And if merely because a case of simulation arises, all documents for the admission of industrial partners are to be considered fictitious, the case may easily happen where injustice is committed, persons being excluded from this country who, being industrial partners and therefore, merchants, have the perfect right to enter and reside in United States territory, inasmuch as they fall within the exceptions stated in the Act of Congress of February 5, 1917.

The petition of habeas corpus is granted.

It is definitely ordered that the petitioners be placed at liberty, without any express pronouncement as to costs.

So ordered.

Manila, P. I., January 5, 1920. S. DEL ROSARIO,
Judge.

On January 6, 1920, the parties were duly notified of the foregoing judgment and decision entered in the case, and, on January 8, 1920, the respondent, through the Attorney-General, filed
28 a notice of appeal which reads as follows:

(Heading and Title Omitted.)

Notice of Appeal.

The respondent, thru the undersigned, hereby appeals from the decision rendered in this case.

Manila, January 7, 1920.

QUINTIN PAREDES,
Attorney-General.

On January 8, 1920, the Clerk of the Court of First Instance of Manila certified the proceedings had in the case and notified the parties that on this same date the record of the case was transmitted to the office of the Clerk of the Supreme Court of the Philippine Islands for the purposes of the appeal.

On the same date, January 8, 1920, the case was duly docketed, on appeal, bearing No. 16139 of the General Register of the Supreme Court of the Philippine Islands.

On the following day, January 9, 1920, the Clerk of the Supreme Court duly notified the Attorney-General of the receipt of the case, on appeal.

On February 9, 1920, the brief for the respondent and appellant was filed.

On March 27, 1920, the brief for the petitioners and appellees was presented and on July 13th of the same year the case was finally submitted to the Supreme Court, for decision on the merits.

29 Thereafter, on September 9, 1920, the Supreme Court of the Philippine Islands rendered its decision in the case, which said decision is in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Philippine Islands:

In the Supreme Court of the Philippine Islands.

In Banc.

G. R. No. 16139.

Submitted July 13, 1920; Promulgated September 9, 1920.

DHARANDAS TULSIDAS, NARAINDAS LEKHRAJ and ALLUMAL SUKHRANI, Petitioners and Appellees,

versus

THE COLLETOR OF CUSTOMS, Respondent and Appellant.

Justices present: The Chief Justice, Victorino Mapa, and Messrs. E. Finley Johnson, A. C. Carson, Manuel Araullo, Geo. A. Malcolm, Ramon Avanceña, P. M. Moir, and Ignacio Villamor.

Decision.

JOHNSON, *J.*:

This is an appeal from the decision of the Court of First Instance of the City of Manila, granting the writ of habeas corpus in favor of the appellees.

It appears from the record that on the 26th day of September, 1919, the appellees arrived at the port of Manila on the S. S. "Tango Maru" and asked permission to enter the Philippine Islands, upon the theory that they were merchants. Some question arose concerning the right of the appellees to enter the Philippine Islands. A board of special inquiry examined into their right to enter the Philippine Islands and reached the conclusion that they
30 were not merchants and, therefore, did not belong to the class of British Indian subjects who were permitted to enter the territory of the United States, and denied them the right to enter.

From that decision of the board of speciad inquiry an appeal was taken to the Collector of Customs and the said decision was by him affirmed. Thereupon a petition for the writ of habeas corpus was presented in the Court of First Instance of the City of Manila. The Attorney-General answered the petition. Upon the issue presented by the petition and the answer the cause was submitted to the court for decision. After hearing the respective parties the Hon. Simplicio del Rosario reached the conclusion that the appellees were merchants, granted the writ of habeas corpus, and ordered the appellees discharged from the custody of the law. From that decision the Attorney-General appealed to this Court.

The Attorney-General alleges that the lower court committed an error in deciding that the appellees were merchants and had the right to enter the territory of the United States.

The appellees are British Indian subjects, who came from Hyderabal Sind, India. Under the Act of Congress of February 5, 1917, all British Indian subjects coming from the district or province in which Hyderabal Sind is located are absolutely prohibited from entering the territory of the United States unless they belong to some of the exempted classes mentioned in Section 3 of said law. Among the exempted classes are merchants.

Granting, for the purpose of the argument, that the appellees are merchants, it must not be forgotten that proof of that fact
31 must be established in accordance with the provisions of the law. Section 6 of the Act of Congress of May 6, 1882, as amended by Sec. 6 of the Act of Congress of July 5, 1884, which has been continued in force under all the subsequent amendments of said law, provides how aliens who claim to belong to an exempted class may prove that fact and be admitted into the territory of the United States. The evidence which such aliens must present has for years been known as the "Section-Six Certificate." The law specifies what said Section-Six Certificate must contain. The law further provides that the said Section-Six Certificate "shall be the sole evidence permissible on the part of the person so producing the

same to establish a right to enter into the territory of the United States." (Naroomal et al. vs. Collector of Customs, R. G. No. 16058.)

The appellees did not present the section-six certificate. The board of special inquiry was, therefore, justified in disregarding all other proof relating to their occupation as merchants.

The foregoing is sufficient to justify a confirmation of the decision of the department of customs, ordering the deportation of the appellees. In the absence of the section-six certificate, the department of customs was not only authorized but obligated, under the law, to refuse the appellees admission into the Philippine Islands.

Not only did the appellees fail to furnish the "sole evidence permissible" to establish their right to enter into the Philippins Islands, but they failed to show absolutely that they were merchants in the country from which they came. In fact, they expressly admit
32 that they were not merchants in their home province or municipality. Their sole contention was and is that they had entered into a partnership or association by virtue of which they were to become merchants upon their arrival in the Philippine Islands. The law does not contemplate that aliens who claim to belong to an exempted class, or aliens otherwise prohibited from entering the United States, shall be permitted to enter the territory of the United States to become merchants. The fact that they were merchants before they entered the United States is the fact that they must establish. It is not sufficient to place aliens in the exempted class because they desire to become members of the exempted class after they enter the territory of the United States. The law contemplates that they shall belong to the exempted class before they go to the territory of the United States. They must be merchants or belong to the exempted class before and not after they enter the territory of the United States.

There is absolutely nothing in the record which shows that the department of customs abused its power, authority or discretion in the slightest degree. The Attorney-General is right in his second assignment of error that the lower court committed an error in modifying, altering or reversing the decision of the department of customs.

For all of the foregoing reasons the judgment of the Court of First Instance granting the writ of habeas corpus is hereby revoked, and it is hereby ordered and decreed that the judgment of the department of customs ordering the deportation of the appellees be and
33 the same is hereby affirmed, without any finding as to costs.

Ten days after notice of this decision final judgment will be entered, and five days thereafter the record will be remanded to the court below.

It is so ordered.

Mapa, Ch. J., and Araullo, Malcolm, Avanceña, Moir, and Villamor, JJ., concur.

On September 10, 1920, the parties were duly notified of the foregoing decision, and, on September 14, 1920, the attorney for the petitioners and appellees excepted to the said decision and filed the following motion for rehearing:

UNITED STATES OF AMERICA:

In the Supreme Court of the Philippine Islands, Manila.

G. R. No. 16139.

DHARANDAS TULSIDAS, NARAINDAS LEKHRAJ, and ALLUMAL SUKHRANI, Petitioners, Appellants,

versus

THE INSULAR COLLECTOR OF CUSTOMS, Respondent, Appellee.

Motion for Rehearing.

Come now the petitioners in the above entitled case and respectfully pray this honorable court for rehearing, or alternatively for modification of the decision in such a manner as to eliminate reference to a "Section Six Certificate."

This motion is based upon the following considerations:

34 Argument.

The Court held in this case that a "Section Six Certificate" is a condition precedent to prove the right of persons born within certain geographical limits (which include British India) to enter the territory of the Philippine Islands.

It is respectfully submitted that this decision is wrong as a matter of law and, if allowed to stand, would be appalling in its consequences.

The "Section Six Certificate" which is well known in the Immigration Law, relates wholly to Chinese and is found only in the Chinese Exclusion Law. It has never been a part of the general Immigration Law applying to persons other than Chinese, and not a single case can be found in any Federal Court, from the Supreme Court of the United down to the very lowest Federal tribunal, holding that such a document is necessary in case of any person other than a Chinese member of the exempt class. The Certificate was originally in form and as a matter of technical law, the permission of the Government of China issued in accordance with the terms of the Treaties of 1880 and 1894 for a Chinese subject to go to America. After the denunciation of the Treaty of 1894, they continued to be issued and approved by American consuls in China in accordance with the terms of Act of July 5, 1884. (See Circular Letter to American Consuls of June 26, 1905.)

The system was afterward extended to permit Chinese subjects resident in countries other than Chica to secure such Certificate

issued by the authority of a proper officer of the Government under which they resided, and on October 17, 1907, the Insular Collector of Customs issued Chinese Immigration Circular No. 19
35 which gives a list of the countries wherein there are officials authorized to issue "Section Six Certificates" which would be recognized at the Customs Houses in the Philippines. British India is not included in the list and there is no way in which a Chinese resident of India can obtain a "Section Six Certificate" to enter these Islands today.

As stated above the "Section Six Certificate" is a form of proof which is expressly limited by law to Chinese. There is no legal authority whatsoever aside from the decision in this and a similar case, requiring it from any person not Chinese. The Government of India has no law and no machinery for issuing such Certificates, and even if they were to be issued, the American consuls in India have no authority to visé such Certificates. It follows that it is illegally impossible for any subject of India to obtain a "Section Six Certificate" or any other document (except perhaps the passports which have been duly presented in the present case), which even remotely resembles a "Section Six Certificate."

The effect of the present decision in making the production of a paper impossible to obtain, a condition precedent to entry, is therefore absolutely to prevent the entry into the Philippine Islands of all British Indians, without the slightest regard to their actual status. It means that not one single owner of a store in the Philippine Islands (and it must be remembered that the capitalist partners of Manila stores owned by Indians uniformly reside in India) can by any possibility visit his establishment in the Philippine Islands. It means the absolute and complete cessation of the entry of students of travelers and of all other classes of East Indians. Such
36 certainly was not the intent of the Legislature, such certainly is not the way the law has been enforced in the United States and such certainly, with all due respects to this high tribunal, is not the law in the Philippine Islands.

Inasmuch as this basic error of law has apparently influenced the court in its decision on the merits, a rehearing is respectfully prayed for. But even though it should be found that there were other grounds upon which the decision could be sustained, it is respectfully prayed that this particular part of the decision be modified lest an unfortunate precedent should be created.

A rehearing is also prayed for on the ground that a division of the court has no jurisdiction to decide a case on appeal. See argument for appellant in case of U. S. vs. Francis J. Cyrus, R. G. No. 14416.

Respectfully submitted.

HARTFORD BEAUMONT,
Attorney for Petitioners, Appellants.

127 Escolta, Manila.

On October 30, 1920, the Supreme Court of the Philippine Islands, upon considering the foregoing motion for rehearing, denied the same.

On November 3, 1920, the attorney for the petitioners-appellants filed an exception to said resolution of the Supreme Court dated October 30, 1920.

Thereafter, on November 8, 1920, the Clerk of the Supreme Court of the Philippine Islands entered the final judgment in the
37 case which reads as follows:

THE UNITED STATES OF AMERICA:

Supreme Court of the Philippine Islands.

G. R. No. 16139.

DHARANDAS TULSIDAS, NARAINDAS LEKHRAJ, and ALLUMAL SUKHRANI, Petitioners and Appellees,

versus

INSULAR COLLECTOR OF CUSTOMS, Respondent and Appellant.

Judgment.

November 8, 1920.

The Court having regularly acquired jurisdiction for the trial of the above-entitled cause, and by virtue of *of* the decision of this Court dated September 9, 1920, the judgment appealed from, granting the writ of habeas corpus, is hereby revoked, and it is hereby ordered and decreed that the judgment of the department of customs ordering the deportation of the appellees be and the same is herby affirmed, without any finding as to costs.

[Seal of the Supreme Court of the Philippine Islands.]

V. ALBERT,
Clerk of the Supreme Court
of the Philippine Islands.

Certified correct.

V. ALBERT,
Clerk of the Supreme Court
of the Philippine Islands.

On November 12, 1920, the attorney for the petitioners-appellants filed the following petition:

UNITED STATES OF AMERICA:

In the Supreme Court of the Philippine Islands, Manila.

38 Case G. R. No. 16139.

DHARANDAS TULSIDAS, NARAINDAS LEKHRAJ, and ALLUMAL SUKHRANI, Petitioners, Appellants,

versus

THE INSULAR COLLECTOR OF CUSTOMS, Respondent, Appellee.

Notice to Petition for Writ of Certiorari.

Come now the petitioners in the above entitled case and hereby give notice of their intention to petition the Supreme Court of the United States for a writ of certiorari for the review of the decision of this Court entered in this case on October 30, 1920, and move to stay the enforcement of the judgment of this Court during the pendency of the application for the writ of certiorari and of the proceedings in the Supreme Court of the United States by filing a supersedeas bond.

Manila, P. I., November 12, 1920.

Respectfully submitted,

HARTFORD BEAUMONT,
Attorney for Petitioners.

On November 13, 1920, the Supreme Court passed a resolution granting the above petition for a stay of execution of the judgment rendered in the case during the pendency of the application for the writ of certiorari.

39 THE UNITED STATES OF AMERICA,
Philippine Islands:

In the Supreme Court of the Philippine Islands.

I, V. Albert, Clerk of the Supreme Court of the Philippine Islands, do hereby certify that the foregoing thirty-eight (38) typewritten pages contain a true and correct translation and transcript of the record of the case entitled Dharandas Tulsidas, Naraindas Lekhraj and Allumal Sukhrani, Petitioners and Appellees, versus The Insular Collector of Customs, Respondent and Appellant, for a writ of habeas corpus, bearing No. 16139 of the docket of this Supreme Court.

In witness whereof, I have hereunto set my hand and affixed the seal of the Supreme Court of the Philippine Islands this seventeenth day of February, A. D. nineteen hundred and twenty-one.

[Seal of the Supreme Court of the Philippine Islands.]

V. ALBERT,
Clerk of the Supreme Court of the Philippine Islands.

THE UNITED STATES OF AMERICA,
Philippine Islands:

In the Supreme Court of the Philippine Islands.

I, V. Albert, Clerk of the Supreme Court of the Philippine Islands, do hereby certify that the transcript of the record of the proceedings of this court in the case entitled Dharandas Tulsidas, Naraindas Lekhraj, and Allumal Sukhrani, Petitioners and Appellees, versus The Insular Collector of Customs, Respondent and Appellant, for a writ of habeas corpus, bearing No. 16139 of the docket of this court, certified by me on the 17th day of February, 1921, for filing in the Supreme Court of the United States, was correct and complete as the same then appeared in this court.

I further certify that from the date of the said certification, February 17th, 1921, to the date hereof, the record and proceedings in the said case in this court contains no new and additional matter except the entry setting forth the receipt of the foregoing writ of certiorari of the Supreme Court of the United States on the 14th day of December, 1921, and except also the entry of the stipulation hereinafter set out.

In pursuance of the command of the said writ of certiorari I now hereby certify that on the 14th day of December, 1921, there was filed in my office a stipulation in the above entitled case in the following words, to-wit:

The Supreme Court of the United States, October Term, 1921.

No. 314.

DHARANDAS TULSIDAS, NARAINDAS LEKHRAJ and ALLUMNAL SUKHRANI, Petitioners,

vs.

THE INSULAR COLLECTOR OF CUSTOMS, Respondent.

It is hereby stipulated that the transcript of the record of the case entitled Dharandas Tulsidas, Naraindas Lekhraj, and Allumnal Sukhrani, Petitioners and Appellees, versus The Insular Collector of Customs, Respondent and Appellant, for a writ of habeas corpus, bearing No. 16139 of the docket of the Supreme Court of the Philippine Islands heretofore filed in the Supreme Court of the United States, with the petition for the writ of certiorari, be taken as a re-

turn to the writ issued by the Supreme Court of the United States, and dated the twenty-second day of October, 1921.

[Seal of the Supreme Court of the Philippine Islands.]

ADAM C. CARSON,
Attorney for the Petitioners in the Supreme Court of the United States.
GRANT T. TRENT,
LT. COL. J. A.,
Attorney for the Respondent in the Supreme Court of the United States.

Dated, the 3rd day of November, 1921.

I further certify that the above is a true and correct copy of said stipulation and the whole thereof.

In witness whereof, I have hereunto set my hand and affixed the seal of the Supreme Court of the Philippine Islands this 15th day of December, 1921.

[Seal of the Supreme Court of the Philippine Islands.]

V. ALBERT,
Clerk of the Supreme Court, of the Philippine Islands.

UNITED STATES OF AMERICA, *ss:*

[Seal of the Supreme Court of the United States.]

The President of the United States of America to the Honorable the Judges of the Supreme Court of the Philippine Islands, Greeting:

Being informed that there is now pending before you a suit in which Dharandas Tulsidas, Naraindas Lekhraj, and Allumal Sukhrani, are appellants, and The Insular Collector of Customs is appellee, R. G. No. 16139, which suit was removed into the said Supreme Court, by virtue of an appeal from the Court of First Instance of the City of Manila, and we, being willing for certain reasons that the said cause and the record and proceedings therein should be certified by the said Supreme Court and removed into the Supreme Court of the United States, do hereby command you that you send without delay to the said Supreme Court as aforesaid, the record and proceedings in said cause, so that the said Supreme Court may act thereon as of right and according to law ought to be done.

Witness the Honorable William H. Taft, Chief Justice of the United States, the twenty-second day of October, in the year of our Lord one thousand nine hundred and twenty-one.

WM. R. STANSBURY,
Clerk of the Supreme Court of the United States.

[Endorsed:] File No. 28,256. Supreme Court of the United States, October Term, 1921. No. 314. Dharandas Tulsidas et al. vs. The Insular Collector of Customs. Writ of Certiorari.

[Endorsed:] File No. 28,256. Supreme Court U. S., October Term, 1921. Term No. 314. Dharandas Tulsidas et al., Petitioners, vs. Insular Collector of Customs. Writ of certiorari and return. Filed Jan. 14, 1922.